SEANAD ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE (UIMH. 2), 2011
ROAD TRAFFIC (NO. 2) BILL 2011

LEASUITHE COISTE
COMMITTEE AMENDMENTS
SECTION 2

1. In page 3, line 26, to delete “10” and substitute “2”.

—Senator Seán D. Barrett.

SECTION 3

*2. In page 4, before section 3, to insert the following new section:

3.—Section 107 (inserted by section 79 of the Act of 2010) of the Principal Act is amended—

(a) by substituting for subsection (1) the following:

“(1) Where a member of the Garda Síochána alleges to a person using a mechanically propelled vehicle that the member suspects that such person has committed a specified offence under this Act, the member may demand of such person his or her name and address and date of birth and may, if such person refuses or fails to give his or her name and address and date of birth or gives a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading, arrest such person without warrant.”,

and

(b) by substituting for subsection (3) the following:

“(3) Where a person, when his or her name and address and date of birth are demanded of him or her under this section, refuses or fails to give his or her name and address and date of birth or gives a name or address or date of birth which is false or misleading, such person commits an offence.”.”.

3. In page 6, line 14, after “unauthorised” to insert “and reported to An Garda Síochána”.

—Senator Seán D. Barrett.

SECTION 5

*4. In page 7, lines 34 and 35, to delete all words from and including “under” in line 34 down to and including “breath” in line 35 and substitute the following:

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“to provide a specimen under section 9, 10, 12 or 14”.

5. In page 7, line 45, to delete “10” and substitute “2”.  

—Senator Seán D. Barrett.

SECTION 8.

6. In page 11, between lines 46 and 47, to insert the following:

“(b) In section 4 substituting the following for subsection (2)(a) and (b):

“(a) 20 milligrammes of alcohol per 100 millilitres of blood, or

(b) in case the person is a specified person, 20 milligrammes of alcohol per 100 millilitres of blood.”,

(c) In section 5 substituting the following for subsection (2)(a) and (b):

“(a) 20 milligrammes of alcohol per 100 millilitres of blood, or

(b) in case the person is a specified person, 20 milligrammes of alcohol per 100 millilitres of blood.”.”

—Senator Rónán Mullen.

7. In page 12, between lines 3 and 4, to insert the following:

“(d) in section 12(1), by inserting “or hospital” after “at a Garda Síochána station”,”.

8. In page 12, lines 19 and 20, to delete paragraph (f) and substitute the following:

“(f) in section 29—

(i) by substituting for subsection (8) the following:

“(8) Where—

(a) a person who is eligible under subsection (1) to be served with a fixed penalty notice pays the fixed charge in accordance with this section and the concentration of alcohol purported to be present in his or her body, as stated or certified in accordance with this Part—

(i) did not exceed 80 milligrammes of alcohol per 100 millilitres of blood, 107 milligrammes of alcohol per 100 millilitres of urine, or 35 microgrammes of alcohol per 100 millilitres of breath, 3 penalty points shall be endorsed on the entry relating to the person, or

(ii) exceeded 80 milligrammes but did not exceed 100 milligrammes of alcohol per 100 millilitres of blood, exceeded 107 milligrammes but did not exceed 135 milligrammes of alcohol per 100 millilitres of urine, or exceeded 35 microgrammes but did not exceed 44 microgrammes of alcohol per 100 millilitres of breath, the person shall be disqualified for holding a driving licence for a period of 6 months beginning on the date referred to in subsection (14),

(ii) exceeded 80 milligrammes but did not exceed 100 milligrammes of alcohol per 100 millilitres of blood, exceeded 107 milligrammes but did not exceed 135 milligrammes of alcohol per 100 millilitres of urine, or exceeded 35 microgrammes but did not exceed 44 microgrammes of alcohol per 100 millilitres of breath, the person shall be disqualified for holding a driving licence for a period of 6 months beginning on the date referred to in subsection (14),
or

(b) a specified person, who is eligible under subsection (2) to be served with a fixed penalty notice, pays the fixed charge and payment is made in accordance with this section, he or she shall be disqualified for holding a driving licence for a period of 3 months beginning on the date referred to in subsection (14).”,

(ii) in subsection (11)(b), by substituting “this Part” for “Chapter 2”, and

(iii) by inserting after subsection (18) the following:

“(18A) A document purporting to be a certificate or receipt of posting or delivery issued by An Post or another postal service is admissible in evidence as proof of the posting or delivery, as the case may be, of a fixed penalty notice.”.”.